

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONNA FOLIART, individually and as
Personal Representative for the Estate of
James R. Foliart,

Plaintiff,

v.

THE UNITED STATES OF AMERICA, et
al.,

Defendants.

CASE NO. 2:17-cv-01325-RSL

STIPULATED MOTION TO
STAY PROCEEDINGS DUE TO
LAPSE IN APPROPRIATIONS
AND ORDER

**STIPULATED MOTION FOR A STAY DUE TO LAPSE OF APPROPRIATIONS
AND FOR ADDITIONAL TIME TO SERVE DEFENDANT, LINDA CINTRON**

COME NOW the parties, by and through counsel, and jointly move for a stay of
proceedings in light of the lapse of government appropriations that funds the Department
of Justice (“Department”). The parties also hereby stipulate to an additional thirty days,
or the end of the lapse of appropriations, whichever is later, to serve Defendant, Linda
Cintron.

1 1. At the end of the day on December 21, 2018, the appropriations act that had
2 been funding the Department expired and appropriations to the Department lapsed. The
3 lapse has continued for thirty-three days and the Government does not know when
4 funding will be restored by Congress.
5

6 2. Absent an appropriation, Department attorneys are prohibited from working,
7 even on a voluntary basis, except in very limited circumstances, including “emergencies
8 involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.
9

10 3. An Amended Complaint was filed in this matter on September 11, 2018
11 following the death of Plaintiff, James Foliart. Dkt. No. 24. The Amended Complaint
12 added Defendant, Linda M. Cintron, as a party. *Id.* The parties agreed to a stipulated
13 motion for additional time to serve Ms. Cintron on November 26, 2018. Dkt. No. 28. The
14 new date for service is February 7, 2019. Dkt. No. 29. However, the lapse in
15 appropriations has intervened and has precluded Government counsel from being
16 available to participate in depositions or additional discovery as needed to proceed to try
17 to resolve this matter or prepare for trial. Government counsel remains unable to work on
18 this matter until appropriations are restored or other authorization is granted.
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22 4. Therefore, the Government, with Plaintiff’s agreement, is requesting a stay of
23 proceedings until Congress has restored appropriations to the Department.
24

25 5. Additionally, Plaintiff has requested, with the Government’s agreement, an
26 additional thirty days or the end in the lapse of appropriations, whichever is later, to
27 effect service on Ms. Cintron.
28

6. If this motion for a stay is granted, Government counsel will notify the Court as soon as Congress has appropriated funds for the Department.

Therefore, although we regret any disruption caused to the Court and other litigants, the parties hereby move for a stay of proceedings until Department attorneys are permitted to resume their usual civil litigation functions.

DATED this 24th day of January, 2019.

Respectfully submitted,

BRIAN T. MORAN
United States Attorney

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Dated this 25th day of January, 2019.

Robert S. Lasnik
United States District Judge

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